

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

CRYSTAL VL RIVERS,)
v.)
Plaintiff,)
v.)
JOHN . WYNNE, *et al.*,)
Defendants.)

)

JOINT MOTION FOR GENERAL CONTINUANCE

Defendants Old Dominion National Bank, Mark Merrill, and Kelly A. Potter (“Defendants”), by counsel, respectfully move this Court for entry of an Order granting them a general continuance on all responsive pleading deadlines in this latest frivolous lawsuit. In support of their motion, Defendants state as follows:

1. Plaintiff Crystal VL Rivers (“Plaintiff”) is a serial filer of frivolous lawsuits. She has suffered multiple final judgment orders in her prior lawsuits against Old Dominion National Bank. *See Rivers v. Bowman*, Civil Action No. 6:18-CV-000616:18-cv-00061 (W.D. Va. 2021), ECF No. 114-5 (Albemarle Circuit Court Final Order, dated June 9, 2015); ECF No. 114-7 (Lynchburg Circuit Court Final Order dated August 2, 2016); ECF No. 114-9 (Albemarle Circuit Court Final Order dated November 2, 2017).

2. Her most recent frivolous lawsuit against Defendants (prior to this one) resulted in yet another a final judgment order dismissing all claims against Defendants with prejudice.

3. Nonetheless, on June 9, 2022, Plaintiff went ahead and filed the instant lawsuit.

4. On July 14, 2022, this Court responded by ordering Plaintiff to Show Cause why her Amended Complaint (ECF No. 3) in the instant lawsuit “should not be stricken and dismissed with prejudice for abuse of the judicial process.” ECF No. 4.

5. Then, on August 29, 2022, prior to the Court’s ruling on its pending Show Cause Order, the Clerk of Court issued summons against Defendants. ECF No. 9. Defendant Old Dominion National Bank received service of process on August 31, 2022. Defendants Mark Merrill and Kelly A. Potter received service of process on September 1, 2022. ECF No. 13.

6. So once again, Defendants face deadlines for filing pleadings in response to a frivolous lawsuit by Plaintiff. Fed. R. Civ. P. 12(a)(1)(A)(i).

7. Defendants should not be required to file any responsive pleadings unless and until the Court decides that the Amended Complaint (ECF No. 3) should be allowed to proceed.

WHEREFORE, Defendants Old Dominion National Bank, Mark Merrill, and Kelly A. Potter, by counsel, respectfully request that this Court enter an Order granting them a general continuance on their respective deadlines for filing any responsive pleadings in this latest frivolous lawsuit.

This 12th day of September 2022

**OLD DOMINION NATIONAL BANK,
MARK MERRILL, AND KELLY A.
POTTER**

By: /s/ J.P. McGuire Boyd, Jr.
J.P. McGuire Boyd, Jr. (VSB No. 72753)
Justin S. Feinman (VSB No. 87511)
WILLIAMS MULLEN, P.C.
200 South 10th Street, Suite 1600
Richmond, Virginia 23219
Facsimile: (804) 420-6507
Telephone: (804) 420-6297
Email: mboyd@williamsmullen.com

Email: jfeinman@williamsmullen.com
*Counsel for Defendants Old Dominion
National Bank, Mark Merrill, and Kelly A.
Potter*

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September 2022, a copy of the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record and to the following:

Crystal VL Rivers
3831 Old Forest Rd, Suite 6
Lynchburg, VA 24501
riversparalegalservices@gmail.com
Pro se Plaintiff

By: /s/ J.P. McGuire Boyd, Jr.
J.P. McGuire Boyd, Jr. (VSB No. 72753)
Justin S. Feinman (VSB No. 87511)
WILLIAMS MULLEN, P.C.
200 South 10th Street, Suite 1600
Richmond, Virginia 23219
Facsimile: (804) 420-6507
Telephone: (804) 420-6297
Email: mboyd@williamsmullen.com
Email: jfeinman@williamsmullen.com
*Counsel for Defendants Old Dominion
National Bank, Mark Merrill, and Kelly A.
Potter*

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